

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**Rachelle Rand, Esperanza Gottschau,
and Ramon Soto,
*Plaintiffs,***

v.

**Eyemart Express, LLC,
*Defendant***

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Civil Action No. 3:24-cv-00621-N

**AGREED MOTION TO EXTEND BRIEFING SCHEDULE ON
DEFENDANT’S 12(b)(1) AND 12(b)(6) MOTION TO DISMISS**

Plaintiffs Rachelle Rand, Esperanza Gottschau, and Ramon Soto (“Plaintiffs”) and Defendant Eyemart Express, LLC (“Defendant”) (collectively, the “Parties”), by and through their respective attorneys, hereby submit this agreed motion to extend the briefing schedule on Defendant’s Rule 12(b)(1) and 12(b)(6) Motion to Dismiss. In support of this agreed motion, the Parties state:

1. Defendant Eyemart Express, LLC filed its Rule 12(b)(1) and 12(b)(6) Motion to Dismiss on May 6, 2024. (Doc. 14). Pursuant to Local Rule 7.1(e) and Rule 6(a) of the Federal Rules of Civil Procedure, Plaintiffs’ response to the Motion to Dismiss currently is due on May 28, 2024.

2. Plaintiffs intend to file a response to Defendant’s Motion. However, due to Plaintiffs’ Counsel’s planned travel surrounding Memorial Day (May 27, 2024), attendance at the MDL hearing in the *In re: AT&T Inc. Customer Data Security Breach Litigation* (MDL No. 3114) taking place on May 30, 2024 in Salt Lake City, and work required to meet expert and witness statement deadlines on Plaintiffs’ Counsel’s calendar related to an international arbitration taking place in New York City on June 24, 2024, Plaintiffs require additional time to prepare their response to Defendant’s Motion.

3. Plaintiffs and Defendant have conferred and have agreed that Plaintiffs may have a brief 14-day extension, to June 11, 2024, to respond to Defendant's Motion to Dismiss. Based on the requested extended response deadline and in consideration of Defendant's schedule, the Parties jointly request that Defendants' reply deadline be set on July 2, 2024.

4. Whereas the Parties have conferred and agree that the briefing schedule should be modestly extended to allow the Parties sufficient time to address the anticipated arguments and to accommodate their counsels' respective scheduling conflicts with other cases, the Parties hereby move the Court for the following briefing schedule on Defendant's Motion to Dismiss:

- a. Plaintiffs shall file their response to Defendant's Rule 12(b)(1) and 12(b)(6) Motion to Dismiss by June 11, 2024; and,
- b. Defendant shall reply to the Plaintiffs' response by July 2, 2024.

5. No party will be prejudiced by this request, and this request does not impact any other case deadlines.

6. For the foregoing reasons, Plaintiffs Rachelle Rand, Esperanza Gottschau, and Ramon Soto, and Defendant Eyemart Express, LLC, respectfully request that the Court grant this agreed motion and order that Plaintiffs' deadline to file their response to the Defendant's Motion to Dismiss be June 11, 2024, and Defendant's deadline to reply to the Plaintiffs' response be July 2, 2024.

[SIGNATURE LINES TO FOLLOW]

Dated: May 21, 2024

POLSINELLI PC

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Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served via the court's electronic case filing system and upon all counsel of record.

/s/ Patrick Yarborough
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